

STATE OF INDIANA



INDIANA UTILITY REGULATORY COMMISSION
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**PETITION OF PSI ENERGY, INC., PURSUANT
TO IND. CODE § 8-1-2-6.8 AND 170 I.A.C 4-6-1
ET. SET. REQUESTING THAT THE COMMISSION
APPROVE THE USE OF CERTAIN QUALIFIED
POLLUTION CONTROL PROPERTY**

**PETITION OF PSI ENERGY, INC. PURSUANT
TO INDIANA CODE §§ 8-1-2-6.1, 8-1-2-6.7, 8-1-2-6.8,
8-1-2-23, 8-1-8.7, 8-1-8.8, 8-1-27, 8-1-2-42(a), 8-1-2.5
AND 170 I.A.C. 4-6-1 ET. SEQ. REQUESTING THAT
THE COMMISSION: (1) APPROVE PSI'S "PHASE 1"
PLAN FOR COMPLYING WITH PENDING SO₂,
NO_X, AND MERCURY EMISSIONS REDUCTION
REQUIREMENTS; (2) APPROVE THE USE OF
CERTAIN QUALIFIED POLLUTION CONTROL
PROPERTY AND CLEAN COAL AND ENERGY
PROJECTS; (3) GRANT PSI CERTIFICATES OF
PUBLIC CONVENIENCE AND NECESSITY FOR
CLEAN COAL TECHNOLOGY; (4) APPROVE THE
USE OF CONSTRUCTION WORK IN PROGRESS
RATEMAKING TREATMENT; (5) APPROVE
CERTAIN FINANCIAL INCENTIVES IN
CONNECTION WITH PSI'S COMPLIANCE PLAN,
INCLUDING THE TIMELY RECOVERY OF COSTS
INCURRED DURING THE CONSTRUCTION AND
OPERATION OF THE CLEAN COAL
TECHNOLOGY PROJECTS, AND THE USE OF
ACCELERATED DEPRECIATION; (6) GRANT PSI
AUTHORITY TO DEFER POST-IN-SERVICE
CARRYING COSTS, DEPRECIATION COSTS, AND
OPERATION AND MAINTENANCE COSTS ON AN
INTERIM BASIS UNTIL THE APPLICABLE COSTS
ARE REFLECTED IN PSI'S RATES;
(7) AUTHORIZE THE RECOVERY OF OTHER
RELATED COSTS; AND (8) CONDUCT ONGOING
REVIEWS OF THE IMPLEMENTATION OF PSI'S
COMPLIANCE PLAN**

FILED

MAY 05 2005

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42622/42718
(Consolidated)

You are hereby notified that on this date the Indiana Utility Regulatory Commission ("Commission") has caused the following entry to be made:

On April 27, 2005, the Citizen's Action Coalition of Indiana, Inc., ("CAC") and the Hoosier Environmental Council of Indiana, Inc., ("HEC") (jointly referred to as "Intervenors") filed a *Notice of Filing Confidential Information and Motion for Temporary Protective Order* ("Motion") in this

Cause. In their Motion, the Intervenor indicate that on March 18, 2005, they filed the redacted direct testimony of Bruce E. Biewald, which relied upon and/or referred to certain confidential documents ("Confidential Information") that the Intervenor received from PSI Energy, Inc., under the terms of a confidentiality agreement. The Intervenor indicate that the Confidential Information they intend to submit in support of their prefiled testimony contains trade secret information as that term is defined under Indiana Code 24-2-3-2, and should therefore be excepted from public disclosure pursuant to Indiana Code 5-14-3-4(a)(4). The Intervenor also indicate, in affidavits attached to their Motion, that the Confidential Information has previously been afforded confidential treatment on a preliminary basis pursuant to the terms of an October 28, 2004 Docket Entry ("Docket Entry") issued in this Cause. In support of its Motion, the Intervenor include the sworn *Affidavits of Judah L. Rose and Douglas F Esamann* ("Affidavits"). The Affidavits have been placed in the Commission's official file in this matter and is hereby incorporated by reference.

170 I.A.C. 1-1.1-4 governs the submission of confidential or privileged information to the Commission, and requires the applicant to apply for a finding by the Commission that the information is confidential. The application must be accompanied by the sworn statement or testimony of a party that describes: 1) the nature of the confidential information; 2) the reasons why the information should be treated as confidential pursuant to I.C. 8-1-2-29 and I.C. 5-14-3; and, 3) the efforts the party has made to maintain the confidentiality of the information.

The Presiding Officers, having considered the Intervenor Motion and accompanying Affidavits, find there is sufficient basis for determination that the Confidential Information should be held as confidential by the Commission on a preliminary basis pursuant to the terms of the Docket Entry issued on October 28, 2004. Accordingly, the Intervenor shall hand deliver the Confidential Information to the Presiding Administrative Law Judge. The Confidential Information should be on light green paper, in a sealed envelope clearly marked confidential with the Cause No. noted thereon, and will be treated as confidential on a preliminary basis and excepted from public disclosure in accordance with Indiana Code 5-14-3.

IT IS SO ORDERED.



David W. Hadley, Commissioner



David E. Ziegner, Commissioner



Scott R. Storms, Chief Administrative Law Judge

Date: May 5, 2005